

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

JENNIFER BAYS

PLAINTIFF

V.

NO. 3:15CV00053-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

FINAL JUDGMENT

This cause is before the Court on Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration regarding claims for a period of disability and Disability Insurance Benefits and Supplemental Security Income. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The Court, having reviewed the administrative record, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

Consistent with the Court's ruling from the bench during oral argument, the Court finds the ALJ's residual functional capacity assessment ("RFC") is not supported by substantial evidence in the record. The ALJ found the claimant was capable of a full range of light work and had certain mental and environmental limitations. The ALJ did not, however, provide a function-by-function assessment of the claimant's physical work capabilities. Furthermore, the ALJ gave no indication in his decision whether or not he incorporated findings by Dr. Ganesh of "moderate limitation lifting, carrying, pushing, and pulling." Nor did the ALJ make any reference to the state agency medical consultant's RFC assessment which included, among other things, a limitation on reaching with the right arm in front and/or laterally and overhead. On

remand, the ALJ shall reconsider the claimant's RFC—making certain to first perform a function-by-function assessment of the claimant's physical capacity to perform sustained work activity—and obtain supplemental vocational expert testimony regarding whether there are any jobs the claimant can perform in view of her RFC and relevant vocational factors. The ALJ may conduct any additional proceedings not inconsistent with this order.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is **REMANDED** for further proceedings.

This, the 28th day of October, 2015.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE